

LEGISLATIVE BILL 480

Approved by the Governor February 13, 2008

Introduced by Johnson, 37.

FOR AN ACT relating to health care; to amend section 71-7605, Reissue Revised Statutes of Nebraska, and section 71-7611, Revised Statutes Supplement, 2007; to change and eliminate provisions relating to credit and transfers of funds, legislative intent, certain federal actions, reports on health care access and expenditures, funds, and a council; to provide an operative date; to repeal the original sections; to outright repeal sections 71-7601, 71-7602, 71-7604, and 71-7609, Reissue Revised Statutes of Nebraska, section 71-7610, Revised Statutes Cumulative Supplement, 2006, and sections 71-7603 and 71-7614, Revised Statutes Supplement, 2007; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 71-7605, Reissue Revised Statutes of Nebraska, is amended to read:

71-7605 Sections 71-7605 to ~~71-7614~~ 71-7611 shall be known and may be cited as the Nebraska Health Care Funding Act.

Sec. 2. Section 71-7611, Revised Statutes Supplement, 2007, is amended to read:

71-7611 (1) The Nebraska Health Care Cash Fund is created. The State Treasurer shall transfer fifty-five million dollars annually no later than July 15 from the Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust Fund to the Nebraska Health Care Cash Fund, except that such amount shall be reduced by the amount of the unobligated balance in the Nebraska Health Care Cash Fund at the time the transfer is made. The state investment officer upon consultation with the Nebraska Investment Council shall advise the State Treasurer on the amounts to be transferred from the Nebraska Medicaid Intergovernmental Trust Fund and from the Nebraska Tobacco Settlement Trust Fund under this section in order to sustain such transfers in perpetuity. The state investment officer shall report to the Legislature on or before October 1 of every even-numbered year on the sustainability of such transfers. Except as otherwise provided by law, no more than fifty-five million dollars may be appropriated or transferred from the Nebraska Health Care Cash Fund in any fiscal year.

(2) Any money in the Nebraska Health Care Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(3) One million dollars in the Nebraska Health Care Cash Fund is designated each year for the Autism Treatment Program Act for five fiscal years beginning in fiscal year 2007-08 and shall be distributed in each fiscal year as follows: (a) First, to the Department of Health and Human Services for costs related to application and implementation of the waiver; (b) second, to the department for other medical costs for children who would not otherwise qualify for medicaid except for the waiver; and (c) third, the balance to the Autism Treatment Program Cash Fund. The State Treasurer shall transfer the balance of the funding to the Autism Treatment Program Cash Fund based on the estimated costs of administrative and other medical costs as determined by the Legislature through the appropriation process. The transfers to the Autism Treatment Program Cash Fund in any fiscal year shall be contingent upon the receipt of private matching funds under the Autism Treatment Program Act, with no less than one dollar of private funds received for every two dollars transferred from the Nebraska Health Care Cash Fund to the Autism Treatment Program Cash Fund.

(4) The University of Nebraska and postsecondary educational institutions having colleges of medicine in Nebraska and their affiliated research hospitals in Nebraska, as a condition of receiving any funds appropriated or transferred from the Nebraska Health Care Cash Fund, shall not discriminate against any person on the basis of sexual orientation.

Sec. 3. This act becomes operative on July 15, 2008.

Sec. 4. Original section 71-7605, Reissue Revised Statutes of Nebraska, and section 71-7611, Revised Statutes Supplement, 2007, are repealed.

Sec. 5. The following sections are outright repealed: Sections 71-7601, 71-7602, 71-7604, and 71-7609, Reissue Revised Statutes of Nebraska, section 71-7610, Revised Statutes Cumulative Supplement, 2006, and sections 71-7603 and 71-7614, Revised Statutes Supplement, 2007.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.